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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RITLAND

Serial No.: 10/776,094

Filed: February 10, 2004

Atty. File No.: 4510-1-DIV

For: "POLYAXIAL CONNECTION
DEVICE AND METHOD"

Group Art Unit: 3732

Examiner: PHILOGENE, Pedro

**INFORMATION DISCLOSURE
STATEMENT**

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313 ON THIS <u>2</u> DAY OF <u>May</u>, 2005.</p> <p style="text-align: right;">SHERIDAN ROSS P.C.</p> <p>BY: <u>Chasity C. Rossum</u> Chasity C. Rossum</p>
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Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☒ Copies of the cited foreign patents and/or non-patent references are enclosed herewith.
- ☒ Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed

in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is directed to the following co-pending application(s) for which priority is not being claimed (copies foreign application were provided in a previous IDS):

Serial No. _____ filed _____ (Atty. Dckt. No. _____)

☐ Examiner's attention is directed to the following co-pending application(s), to which the current application claims priority, copies of at least the claims for such pending application are provided or have been provided:

Serial No. _____ filed _____ (Atty. Dckt. No. _____)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 40px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <div style="text-align: center; margin: 5px 0;">OR</div> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 20px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) </div> <p style="text-align: center; margin: 10px 0;">AND</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </div>

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

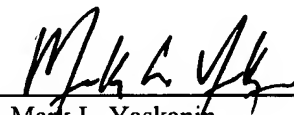
OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS, P.C.

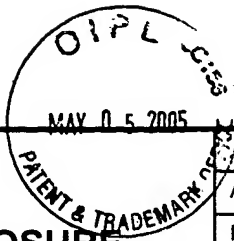
By: _____


Mark L. Yaskanin
Registration No. 45,246
1560 Broadway, Suite 1200
Denver, CO 80202-5141
TELEPHONE: 303-863-9700
FAX: 303-863-0223

Date: _____

5-2-2005

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

Application Number	10/776,094
Filing Date	February 10, 2004
First Named Inventor	RITLAND
Art Unit	3732
Examiner Name	PHIOLOGENE, Pedro
Attorney Docket Number	4510-1-DIV

Sheet	1	of	7
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	6,692,434	2/17/2004	Ritland	
	2	6,540,756	4/1/2003	Vaughan	
	3	6,530,926	3/11/2003	Davison	
	4	6,524,238	2/25/2003	Velikaris et al.	
	5	6,520,907	2/18/2003	Foley	
	6	6,461,330	10/8/2002	Miyagi	
	7	6,428,472	8/6/2002	Haas	
	8	6,418,821	7/16/2002	Yamakawa	
	9	6,371,968	4/16/2002	Kogasaka	
	10	6,371,959	4/16/2002	Trice	
	11	6,354,176	3/12/2002	Nordlin	
	12	6,348,058	2/19/2002	Melkent et al.	
	13	6,342,057	1/29/2002	Brace	
	14	6,312,432	11/6/2001	Leppelmeier	
	15	6,296,609	10/2/2001	Brau	
	16	6,287,313	9/11/2001	Sasso	
	17	6,283,966	9/4/2001	Houfburg	
	18	6,270,498	8/7/2001	Michelson	
	19	6,258,097	7/10/2001	Cook	
	20	6,224,608	5/1/2001	Ciccolella	
	21	6,224,597	5/1/2001	Coker	
	22	6,217,509	4/17/2001	Foley	
	23	6,214,004	4/10/2001	Coker	
	24	6,210,413	4/3/2001	Justis et al.	
	25	6,206,885	3/27/2001	GHAHREMANI ET AL.	
	26	6,206,826	3/27/2001	Mathews et al.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

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	27	6,206,822	3/27/2001	Foley	
	28	6,197,002	3/6/2001	Peterson	
	29	6,176,823	1/23/2001	Foley	
	30	6,162,236	12/19/2000	Osada	
	31	6,162,170	12/19/2000	Foley	
	32	6,159,179	12/12/2000	Simonson	
	33	6,156,006	12/5/2000	Brosens	
	34	6,152,871	11/28/2000	Foley	
	35	6,120,434	9/19/2000	Kimura	
	36	6,081,741	6/27/2000	Hollis	
	37	6,080,155	6/27/2000	Michelson	
	38	6,010,520	1/4/2000	Pattison	
	39	6,007,487	12/28/1999	Foley et al.	
	40	5,996,447	12/7/1999	Bayouth	
	41	5,976,146	11/2/1999	Ogawa	
	42	5,971,920	10/26/1999	Nagel	
	43	5,967,970	10/19/1999	Cowan	
	44	5,954,671	9/21/1999	O'Neil	
	45	5,954,635	9/21/1999	Foley	
	46	5,944,658	08/31/1999	KOROS ET AL.	
	47	5,928,139	7/27/1999	Koros	
	48	5,913,818	6/22/1999	Co et al.	
	49	5,902,231	5/11/1999	Foley	
	50	5,899,901	5/4/1999	Middleton	
	51	5,895,390	04/20/1999	MORAN ET AL.	
	52	5,895,352	4/20/1999	Kleiner	

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	53	5,891,147	4/6/1999	Moskovitz et al.	
	54	5,885,300	03/23/1999	TOKUHASHI ET AL.	
	55	5,885,299	3/23/1999	Winslow et al.	
	56	5,882,344	3/16/1999	Stouder, Jr.	
	57	5,851,207	12/22/1998	Cesarone	
	58	5,816,257	10/6/1998	Chin	
	59	5,792,044	8/11/1998	Foley	
	60	5,766,221	6/16/1998	BENDEREV ET AL.	
	61	5,746,720	5/5/1998	Stouder, Jr.	
	62	5,743,853	4/28/1998	Lauderdale	
	63	5,687,739	11/18/1997	McPherson	
	64	5,611,778	3/18/1997	Brinon	
	65	5,601,550	02/11/1997	ESSER	
	66	5,512,038	4/30/1996	O'NEAL ET AL.	
	67	5,489,274	2/6/1996	Chu	
	68	5,472,426	12/5/1995	Bonati	
	69	5,439,464	8/8/1995	Shapiro	
	70	5,431,651	6/11/1995	Goble	
	71	5,431,639	7/11/1995	Shaw	
	72	5,363,841	11/15/1994	COKER	
	73	5,356,413	10/18/1994	Martins et al.	
	74	5,312,360	5/17/1994	Behl	
	75	5,303,694	4/19/1994	Mikhail	
	76	5,292,309	3/8/1994	Van Tassel	
	77	5,279,567	1/18/1994	Ciaglia	
	78	5,275,611	1/4/1994	Behl	

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	79	5,275,600	1/4/1994	Allard et al.	
	80	5,195,541	3/23/1993	Obenchain	
	81	5,158,543	10/27/1992	Lazarus	
	82	5,148,724	9/22/1992	Rexford	
	83	5,135,525	8/4/1992	Biscopring	
	84	5,133,720	7/28/1992	Greenberg	
	85	5,106,376	4/21/1992	Mononen	
	86	5,098,435	3/24/1992	Stednitz	
	87	5,084,043	1/28/1992	Hertzmann	
	88	5,052,373	10/01/1991	MICHELSON	
	89	5,048,379	9/17/1991	Gramera	
	90	5,035,232	7/30/1991	Lutze et al.	
	91	5,002,542	3/26/1991	Frigg	
	92	4,882,958	11/28/1989	McNeely	
	93	4,863,423	9/5/1989	Wallace	
	94	4,862,891	9/5/1989	Smith	
	95	4,817,587	4/04/1989	JANESE	
	96	4,803,976	2/14/1989	Frigg	
	97	4,798,111	1/17/1989	Cheeseman	
	98	4,747,394	5/31/1988	WATANABE	
	99	4,736,738	4/12/1988	Lipovsek	
	100	4,686,972	8/18/1987	Kurland	
	101	4,620,460	11/4/1986	Gonzales, Jr.	
	102	4,617,922	10/21/1986	GRIGGS	
	103	4,573,448	3/4/1986	Kambin	
	104	4,545,374	10/8/1985	Jacobson	

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	105	4,481,947	11/13/1984	Chester	
	106	4,440,168	4/3/1984	Warren	
	107	4,232,660	11/11/1980	Coles	
	108	3,875,595	4/8/1975	Froning	
	109	3,470,872	10/7/1969	Grieshaber	
	110	569,839	10/20/1896	Roeloffs	
	111	D 466,766	12/10/2002	Marty	
	112	D 436,513	1/23/2001	Yamakawa	
	113	D 433,296	11/7/2000	Yamakawa	
	114	D 438,074	2/27/2001	Marr	
	115	D399,955	10/20/1998	KOROS ET AL.	
	116	D361,381	08/15/1995	KOROS ET AL.	
	117	RE 36,020	12/29/1998	Moore et al.	
	118	2005/0020920 (-10)	1/27/2005	Ritland	
	119	2005/0004593	1/6/2005	Simonson	
	120	2004/0254428 (-11)	12/16/2004	Ritland	
	121	2004/0106997	6/3/2004	Lieberson	
	122	2003/0236447	12/25/2003	Ritland	
	123	2003/0220689	11/27/2003	Ritland	
	124	2003/0187431	10/2/2003	Simonson	
	125	2003/0083689	5/1/2003	Simonson	
	126	2003/0083688	5/1/2003	Simonson	
	127	2002/0143235	10/3/2002	Pagliuca	
	128	2002/0123668	9/5/2002	Ritland	
	129	2002/0082695	6/27/2002	Neumann	

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	130	2002/0077632	6/20/2002	Tsou	
	131	2002/0058948	5/16/2002	Arettaz	
	132	2002/0049368	4/25/2002	Ritland	
	133	2002/0022764	2/21/2002	Smith	
	134	2002/0016592	2/7/2002	Branch	
	135	2002/0011135	1/31/2002	Hall	
	136	2001/0027320	10/4/2001	Sasso	
	137	2001/0012942	8/9/2001	Estes	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	138	WO		04/089244 (-9-PCT)	10/21/2004		
	139	WO		04/075778 (-6-CIP-PCT)	9/10/2004		
	140	WO		02/07621	1/31/2002		
	141	WO		02/060330	8/8/2002		
	142	WO		00/18306	4/6/2000		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. ¹	
	143	Caspar; "Technique of Microsurgery: Microsurgery of the Lumbar Spine: Principles and Techniques in Spine Surgery"; <i>Aspen Publications</i> ; 1990; 105-122
	144	Hilton et al.; "Meditronic Sofamor Danek METRX Microdiscectomy Surgical Technique Brochure"; 2000
	145	Kambin; "Arthroscopic Microdiscectomy: Minimal Intervention in Spinal Surgery"; <i>National Library of Medicine</i> ; 1991; 67-100

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Examiner Name				PHILOGENE, Pedro		
Sheet	7	of	7	Attorney Docket Number		4510-1-DIV

	146	Kambin; "Percutaneous Posterolateral Discectomy"; <i>Clinical Orthopaedics and Related Research, Section II</i> ; 145-154119
	147	Savitz; "Same-Day Microsurgical Arthroscopic Latera-Approach Laser-Assisted (SMALL) Fluoroscopic Discectomy"; <i>Journal of Neurosurgery</i> ; June 1994; 1039-1045
	148	Schaffer et al.; "Percutaneous Posterolateral Lumbar Discectomy and Decompression with a 6.9 Millimeter Cannula"; <i>Journal of Bone and Joint Surgery</i> ; 1991; 822-831
	149	Sofamor Danek Video Systems Brochure
	150	Wiltse; "New Uses and Refinements of the Paraspinal Approach to the Lumbar Spine"; <i>Spine</i> ; 1988; 13(6):696-706

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